

EXHIBIT 7

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

POLICE OFFICER TONY GARZELLA, : No. 05-1626
Plaintiff : Civil Action

vs. :

BOROUGH OF DUNMORE, BOROUGH OF :
DUNMORE COUNCIL, BOROUGH OF :
DUNMORE CIVIL SERVICE :
COMMISSION, MICHAEL CUMMINGS, :
Individually and as Councilman, :
JOSEPH LOFTUS, Individually and :
as Borough Manager, THOMAS :
HENNIGAN, Individually and as :
Councilman, JOSEPH TALUTTO, :
Individually and as Councilman, :
LEONARD VERRASTRO, Individually :
and as Councilman, JOHN BARRETT, :
Individually and as Civil :
Service Commissioner, WILLIAM :
GALLAGHER, Individually and as :
Civil Service Commissioner, :
RALPH MARINO, Individually and :
as Civil Service Commissioner, :
and DUNMORE POLICE ASSOCIATION, :
Defendants :

DEPOSITION OF TONY GARZELLA

Taken in the law offices of Marshall,
Dennehey, Warner, Coleman and Goggin, 401 Adams Avenue,
Scranton, Pennsylvania, on Tuesday, May 2, 2006,
commencing at 9:30 a.m., by Wendy Engler Shade, RDR,
CRR.

* * *

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<p style="text-align: right;">10</p> <p>1 A. I think the active reserve might have come 2 later, maybe '98, but -- 3 Q. But that would have been after you started as a 4 part-timer? 5 A. They changed names so many times. 6 Q. At any point in time did you become an active 7 reserve police officer in Dunmore? 8 A. Yes. 9 Q. What year did that happen? 10 A. Maybe '97, '98. 11 Q. How were you notified that you were an active 12 reserve officer? 13 A. Just through contract negotiations, they 14 changed our name, because they were working us 40 hours 15 a week, so -- 16 Q. Were you ever a member of the negotiating 17 committee for the FOP? 18 A. Hum-um. 19 Q. That's a no? 20 A. No. Sorry. 21 Q. That's all right. Now, prior to the 22 arbitration award in February of 2005, had you 23 participated in any of the negotiations, whether you 24 were a member of a committee or an informal part of an 25 informal group, did you participate in any of the</p>	<p style="text-align: right;">12</p> <p>1 Q. Now, for the arbitration hearing itself, did 2 you actually -- prior to the actual arbitration award, 3 did you participate in any of the arbitration hearings? 4 A. No. 5 Q. When was the first time that you had ever heard 6 or there was any discussion that you may have to take a 7 civil service exam? 8 A. When the award came back. 9 Q. Did you have any discussions with anyone either 10 in the DPA or in the borough with respect to any type 11 of civil service exam before the civil service 12 arbitrator award in February of 2005? 13 A. I'm not sure if I quite understand what 14 you're -- 15 Q. That's fine. I'll rephrase the question. 16 Before the arbitrator's award, did you have any 17 conversations with anyone in the DPA about the need or 18 the possibility that all police officers in the borough 19 would have to take a civil service exam? Was that ever 20 discussed within the membership of the DPA before the 21 arbitrator's award? 22 A. It was just noted that there was a good chance 23 that a test would occur. 24 Q. And how did you find that out? 25 A. Just by talking to union members.</p>
<p style="text-align: right;">11</p> <p>1 negotiations with the borough for the new contract? 2 A. Hum-um. 3 MS. POLLICK: Objection. 4 Q. That's a no? 5 A. Just the conversation that I had with 6 Councilman Hennigan. 7 Q. And those conversations that you had, were they 8 as part of the official FOP negotiating group? 9 A. No. It wasn't really a negotiation session. 10 MR. HOLROYD: Just a point, this isn't 11 an FOP lodge. It's DPA, Dunmore Police Association. 12 Q. Do you understand when I was using the term FOP 13 that I was -- in reality should have been referring to 14 the DPA, did you understand that? 15 A. Correct. 16 Q. And would your answers change if we substituted 17 the term DPA for FOP? 18 A. No. 19 Q. When did you have conversations with Councilman 20 Hennigan? 21 A. I wouldn't know exactly offhand. Maybe 22 sometime in May. I'm not sure. 23 Q. So they would have been conversations that 24 occurred after the arbitration award. Is that correct? 25 A. Correct.</p>	<p style="text-align: right;">13</p> <p>1 Q. Do you remember what union members said that? 2 A. I believe Billy Springer, Rich Barth. 3 Q. Anyone else? 4 A. Not that I can remember, no. 5 Q. Did they explain to you why a test may have to 6 be administered? 7 A. Just to -- because we had to be civil service 8 to become active in the pension plan. 9 Q. Now, have you done any personal research to 10 determine whether or not that's true, that in order to 11 become a member of the pension plan you have to pass a 12 civil service test? 13 A. Myself, no, I didn't research it. 14 Q. How about Mr. Cali, has he done any research to 15 your knowledge? 16 A. I don't know if he did or not. 17 Q. Did you have any conversations with Mr. Cali 18 where you discussed whether it was necessary to pass a 19 civil service exam in order to receive a pension? 20 A. Yeah. We talked about it. 21 Q. Tell me about those conversations. What did 22 you talk about? 23 A. Just like he didn't think it was right that we 24 would have to take a civil service test to get into a 25 pension after we've been there for so long, you know.</p>

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<p style="text-align: right;">14</p> <p>1 Q. Did he explain why he believed it wasn't right?</p> <p>2 A. No, not that I could recall, but he didn't want</p> <p>3 to take a civil service test.</p> <p>4 Q. Now, you talked about Officer Springer and</p> <p>5 Officer Barth. Did you have any discussions with any</p> <p>6 borough official before the arbitrator's award about</p> <p>7 the possibility that you would have to take a civil</p> <p>8 service exam in order to receive a pension?</p> <p>9 A. Just the conversation with Councilman Hennigan.</p> <p>10 Q. My question is specific in time. It's before</p> <p>11 the actual arbitrator's award. You had said that the</p> <p>12 conversation you had with Councilman Hennigan --</p> <p>13 A. No, not before.</p> <p>14 Q. Let me just ask the question again so it's</p> <p>15 clear. Did you have any conversations with any</p> <p>16 Councilperson or the borough manager or any member of</p> <p>17 the Civil Service Commission or any other borough</p> <p>18 official or employee other than a police officer about</p> <p>19 the possibility that you would have to pass a civil</p> <p>20 service test in order to receive a pension?</p> <p>21 MS. POLLICK: Objection. Compound</p> <p>22 question.</p> <p>23 A. Not that I recall, no.</p> <p>24 Q. How did you find out about the arbitrator</p> <p>25 award?</p>	<p style="text-align: right;">16</p> <p>1 Q. The conversation you had with Councilman</p> <p>2 Hennigan in May of 2005, where did that take place?</p> <p>3 A. At his house.</p> <p>4 Q. Who was there?</p> <p>5 A. Myself and Anthony Cali.</p> <p>6 Q. Why did you go to his house?</p> <p>7 A. Anthony called me up and said that he had some</p> <p>8 kind of conversation with -- he was friends with</p> <p>9 Hennigan's wife and I guess they had some kind of</p> <p>10 disagreement, which I'm not really familiar with. Well</p> <p>11 anyway, I guess Councilman Hennigan wanted to talk to</p> <p>12 Anthony Cali and he said come over to my house.</p> <p>13 In the meantime, he was going over</p> <p>14 there, I wasn't involved in going over there. Billy</p> <p>15 Bonavoglia was going with him and I didn't know</p> <p>16 anything about it. In the meantime Billy Bonavoglia</p> <p>17 couldn't go. Anthony called me up. He said will you</p> <p>18 come with me, he said, and see what he has to say, so</p> <p>19 they wouldn't think that I was trying to negotiate a</p> <p>20 contract or do anything behind the union's back.</p> <p>21 Q. That's what Officer Cali told you?</p> <p>22 A. Yeah.</p> <p>23 Q. He didn't want the union to think that he was</p> <p>24 trying to negotiate behind their back?</p> <p>25 A. Negotiate a contract behind their back.</p>
<p style="text-align: right;">15</p> <p>1 A. I think it was e-mailed to me.</p> <p>2 Q. By whom?</p> <p>3 A. By Councilman Springer, I think.</p> <p>4 Q. What did you do when you received the e-mail?</p> <p>5 A. Just read it.</p> <p>6 Q. Did you have any opinion or feeling about</p> <p>7 having to take a civil service exam before the</p> <p>8 arbitrator award?</p> <p>9 A. Yeah, nervous.</p> <p>10 Q. Now, you said that Officer Cali was -- he had</p> <p>11 voiced some concern about the need to take a civil</p> <p>12 service exam, correct?</p> <p>13 A. What do you mean, that he wanted to take a</p> <p>14 test?</p> <p>15 Q. No. You testified earlier that Officer Cali</p> <p>16 had said to you that he didn't think you needed to take</p> <p>17 a civil service exam in order to receive a pension,</p> <p>18 correct?</p> <p>19 A. Correct.</p> <p>20 Q. Did he voice any opinion about whether or not</p> <p>21 he wanted to take a civil service exam?</p> <p>22 A. He didn't want to take one, no.</p> <p>23 Q. Why not? Did he explain that to you?</p> <p>24 A. No. He just didn't want to take one. He felt</p> <p>25 that if we had to take it after --</p>	<p style="text-align: right;">17</p> <p>1 Q. Did he say anything else to you during that</p> <p>2 conversation?</p> <p>3 A. Hum-um.</p> <p>4 Q. No?</p> <p>5 A. No.</p> <p>6 Q. You have to say yes or no.</p> <p>7 A. Sorry.</p> <p>8 Q. After that conversation, what happened?</p> <p>9 A. We went to Hennigan's house.</p> <p>10 Q. Now, when you went to Hennigan's house, had the</p> <p>11 civil service exam been scheduled already?</p> <p>12 A. I believe it was, yes.</p> <p>13 Q. Had you taken it yet?</p> <p>14 A. No.</p> <p>15 Q. Who was present for that meeting?</p> <p>16 A. The three of us.</p> <p>17 Q. Was Mr. Hennigan's wife there?</p> <p>18 A. She was there but she had left.</p> <p>19 Q. What time of day was this meeting?</p> <p>20 A. Afternoon, 2, 3.</p> <p>21 Q. Did you notify any member of the DPA that you</p> <p>22 were going to Mr. Hennigan's house?</p> <p>23 A. I didn't, no.</p> <p>24 Q. Do you know whether Officer Cali notified</p> <p>25 anybody at the DPA?</p>

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<p style="text-align: right;">18</p> <p>1 A. I don't know, no.</p> <p>2 Q. Did you ask him whether or not he notified</p> <p>3 anybody at the DPA?</p> <p>4 A. I told him that he should tell them, you know,</p> <p>5 that we're going there. I don't know if he ever did or</p> <p>6 not.</p> <p>7 Q. Why did you tell him that?</p> <p>8 A. Just because I know there was still</p> <p>9 negotiations going on where the contract could have</p> <p>10 been settled or not, we didn't know.</p> <p>11 Q. And why is that significant?</p> <p>12 MS. POLLICK: Objection.</p> <p>13 Mischaracterization of prior testimony.</p> <p>14 A. Excuse me?</p> <p>15 Q. There were negotiations going on at the time?</p> <p>16 A. I believe right down to the last minute before</p> <p>17 the arbitration came back.</p> <p>18 Q. And you felt that the DPA should be aware of</p> <p>19 the fact that there were two police officers who were</p> <p>20 talking to a Borough Council member during the</p> <p>21 negotiating process, correct?</p> <p>22 MS. POLLICK: Objection.</p> <p>23 Mischaracterization of prior testimony. Assumes facts</p> <p>24 not into evidence.</p> <p>25 Q. Correct?</p>	<p style="text-align: right;">20</p> <p>1 Q. So when you're talking about what Mr. Hennigan</p> <p>2 is referring to the fact that people wanted to be paid</p> <p>3 quickly or immediately, are you talking about bringing</p> <p>4 the reserve officers' pay up to the pay or equal pay of</p> <p>5 the full-time officers?</p> <p>6 A. Through a scale. Not all at one time.</p> <p>7 Q. And you were aware before this meeting with Mr.</p> <p>8 Hennigan that that was one of the sticking points of</p> <p>9 the negotiations, did you not?</p> <p>10 MS. POLLICK: Objection. Assumes facts</p> <p>11 not into evidence.</p> <p>12 A. Correct.</p> <p>13 Q. Now, the other issue of course that was a</p> <p>14 sticking point in the negotiations was how could</p> <p>15 reserve officers get into the pension system, correct?</p> <p>16 MS. POLLICK: Objection. Assumes facts</p> <p>17 not into evidence.</p> <p>18 A. One more time, please.</p> <p>19 Q. One of the other sticking points that you were</p> <p>20 aware of during the negotiating process was how the</p> <p>21 reserve officers could become eligible to receive a</p> <p>22 pension?</p> <p>23 MS. POLLICK: Same objection.</p> <p>24 A. Correct.</p> <p>25 Q. What if anything did Officer Cali say to Mr.</p>
<p style="text-align: right;">19</p> <p>1 A. Right.</p> <p>2 Q. Now, when you went to the house, tell me what</p> <p>3 happened.</p> <p>4 A. They just spoke back and forth. He wanted to</p> <p>5 know -- like Anthony asked Councilman Hennigan like how</p> <p>6 the situation transpired, where we were, we went to</p> <p>7 arbitration and how the whole test came about and that</p> <p>8 we thought it could have been settled and it wasn't</p> <p>9 settled.</p> <p>10 And Councilman Hennigan said there's</p> <p>11 facts on both sides that are at fault and basically</p> <p>12 that's it. Councilman Hennigan was worried because he</p> <p>13 said that we can't hire everybody, but to pay all the</p> <p>14 money up front, that it would be too much at one time.</p> <p>15 And I mean it was basically just between them two.</p> <p>16 Q. Were part of the issues, and correct me if I'm</p> <p>17 wrong, part of the issues that were being negotiated</p> <p>18 between the DPA and the borough was whether or not the</p> <p>19 reserve officers could become full-time police officers</p> <p>20 and receive the same pay and benefits as full-time</p> <p>21 police officers?</p> <p>22 MS. POLLICK: Objection. Assumes facts</p> <p>23 not into evidence and vague. No time.</p> <p>24 Q. Go ahead. You can answer it.</p> <p>25 A. Correct.</p>	<p style="text-align: right;">21</p> <p>1 Hennigan?</p> <p>2 A. He just said if something could be worked out,</p> <p>3 you know, where it wouldn't cost a fortune for the</p> <p>4 borough all at one time, if it could have been</p> <p>5 structured, if the contract could be stretched out say</p> <p>6 at least two more years, and he just said bring it back</p> <p>7 to your union to see what they would go for.</p> <p>8 Q. How did you feel about that meeting? Did you</p> <p>9 feel comfortable that Officer Cali, who was not a part</p> <p>10 of the negotiating committee of the DPA, was</p> <p>11 discussing --</p> <p>12 A. He was part -- he was part of the negotiating</p> <p>13 committee.</p> <p>14 Q. He was, I'm sorry. Who was on the negotiating</p> <p>15 committee for the DPA at that time?</p> <p>16 A. I believe Billy Springer, Rich Barth, Billy</p> <p>17 Bonavoglia and Anthony Cali.</p> <p>18 Q. To your knowledge, did any member of that</p> <p>19 committee conduct negotiations without any other member</p> <p>20 of the committee present?</p> <p>21 MS. POLLICK: Objection. Lack of</p> <p>22 personal knowledge. Assumes facts not into evidence.</p> <p>23 A. Not that I know of.</p> <p>24 Q. Did you take any notes from that meeting?</p> <p>25 A. Hum-um.</p>

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<p style="text-align: right;">22</p> <p>1 Q. That's a no?</p> <p>2 A. No.</p> <p>3 Q. Did Officer Cali take any notes?</p> <p>4 A. I don't think so, no.</p> <p>5 Q. Do you know whether Mr. Hennigan took any</p> <p>6 notes?</p> <p>7 A. No.</p> <p>8 Q. How long did the meeting last?</p> <p>9 A. About an hour.</p> <p>10 Q. What else was discussed during that meeting, if</p> <p>11 anything?</p> <p>12 A. I told him that I didn't think it was fair that</p> <p>13 we were here for so long and we would have to take a</p> <p>14 civil service test after working almost ten years</p> <p>15 full-time when there was other people in the borough</p> <p>16 that enjoyed a pension, full-time salary, I mean, and</p> <p>17 they're not civil servants. They never took a test.</p> <p>18 Then we have some guys that actually just paid a dollar</p> <p>19 to become civil service.</p> <p>20 Q. What else did you say?</p> <p>21 A. That's just -- I didn't say too much there.</p> <p>22 Q. When you said that, did Mr. Hennigan respond in</p> <p>23 any way?</p> <p>24 A. I can't remember exactly what his response was.</p> <p>25 Q. How did the meeting end?</p>	<p style="text-align: right;">24</p> <p>1 unofficially, see him around town?</p> <p>2 A. No. That was the first time I met him.</p> <p>3 Q. How about Officer Cali, did you ever know</p> <p>4 whether he had any contacts with Mr. Hennigan before</p> <p>5 that?</p> <p>6 MS. POLLICK: Objection. Lack of</p> <p>7 personal knowledge.</p> <p>8 A. I don't know.</p> <p>9 Q. How did Officer Cali know Mr. Hennigan's wife?</p> <p>10 A. I believe she ran like a vacation company. If</p> <p>11 that's the next -- I mean I don't know if that's the</p> <p>12 only, but I know she books like vacations for people.</p> <p>13 Q. Had you had any conversations with her before</p> <p>14 that day?</p> <p>15 A. No. I don't know.</p> <p>16 Q. Now, you said she left. Did she leave before</p> <p>17 the meeting started or she left at some point while the</p> <p>18 meeting was ongoing?</p> <p>19 A. Before.</p> <p>20 Q. When the meeting was over, what did you and Mr.</p> <p>21 Cali do?</p> <p>22 A. I went home.</p> <p>23 Q. What did Officer Cali do?</p> <p>24 A. I don't know.</p> <p>25 Q. Did you or he speak after the meeting? In</p>
<p style="text-align: right;">23</p> <p>1 A. Just between Anthony and Thomas Hennigan, they</p> <p>2 just -- he just asked him to bring back to the union to</p> <p>3 see if something could be worked out where we can</p> <p>4 stretch the time frame of the contract, instead of like</p> <p>5 I think it was a four or five year contract, to stretch</p> <p>6 it out to six or seven years so the borough wouldn't</p> <p>7 have the burden of paying everything to the guys.</p> <p>8 Q. Was Officer Cali, was he receptive to that</p> <p>9 proposal?</p> <p>10 A. Um-hum.</p> <p>11 Q. Is that a yes?</p> <p>12 A. Yes. Sorry.</p> <p>13 Q. How about you? What did you think of that</p> <p>14 proposal?</p> <p>15 A. I wasn't really too sure. I didn't think</p> <p>16 anything of it really. I mean after I left there, that</p> <p>17 was the end of it.</p> <p>18 Q. Did Mr. Hennigan threaten you during that</p> <p>19 meeting?</p> <p>20 A. No.</p> <p>21 Q. Did he threaten Officer Cali during that</p> <p>22 meeting?</p> <p>23 A. No.</p> <p>24 Q. Prior to that meeting, did you ever have any</p> <p>25 occasion to talk to Mr. Hennigan, you know,</p>	<p style="text-align: right;">25</p> <p>1 other words, as you're walking to your cars or</p> <p>2 whatever, did you have any discussion about hey, how</p> <p>3 did that go or anything like that?</p> <p>4 A. I told him, I said if something's going to</p> <p>5 happen, you got to notify the union and let them know</p> <p>6 what's going on.</p> <p>7 Q. What did you do to study for the civil service</p> <p>8 exam?</p> <p>9 A. Study guide that the borough gave us. I bought</p> <p>10 one of them civil service books just to practice up.</p> <p>11 Q. Anything else?</p> <p>12 A. No.</p> <p>13 Q. When did you purchase the book?</p> <p>14 A. Maybe about a month after we found out we would</p> <p>15 have to take a test, if not sooner. I don't remember.</p> <p>16 Q. So would it have been sometime in February or</p> <p>17 March of 2005?</p> <p>18 A. Correct.</p> <p>19 Q. And the study guide, when did you start using</p> <p>20 that?</p> <p>21 A. As soon as we received it.</p> <p>22 Q. When was that?</p> <p>23 A. I think it was like six days before the test.</p> <p>24 Q. Did you do anything else other than use the --</p> <p>25 strike that.</p>

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<p style="text-align: right;">30</p> <p>1 to you the type of test he took, correct?</p> <p>2 A. Correct.</p> <p>3 Q. He told you that it was timed and it had</p> <p>4 certain sections?</p> <p>5 A. Right.</p> <p>6 Q. Based on what Danny told you, obviously you</p> <p>7 didn't sit with Danny to take the test, but based on</p> <p>8 what Danny told you, was the test that you took similar</p> <p>9 to the test that Danny described to you?</p> <p>10 A. Yes.</p> <p>11 Q. Other than talking to Danny Jones, did you talk</p> <p>12 to any other officers who had taken a civil service</p> <p>13 exam before you took the one in Dunmore?</p> <p>14 A. Not that I can recall.</p> <p>15 Q. Did Danny give you any tips on how to prepare?</p> <p>16 A. No, not really.</p> <p>17 Q. The exam itself, when did that take place?</p> <p>18 A. Which one now?</p> <p>19 Q. The one you had to take, the civil service</p> <p>20 exam.</p> <p>21 A. I believe it was the 21st of May.</p> <p>22 Q. Where did it take place?</p> <p>23 A. At Dunmore High School.</p> <p>24 Q. Who took the test that day?</p> <p>25 A. All the active reserve officers.</p>	<p style="text-align: right;">32</p> <p>1 Q. So when you had this conversation it would have</p> <p>2 been closer in time to the February 2005 arbitrator's</p> <p>3 award?</p> <p>4 A. I don't remember exactly.</p> <p>5 Q. Did Mr. Loftus threaten you during that</p> <p>6 conversation?</p> <p>7 A. No.</p> <p>8 Q. Before you took the civil service test, did Mr.</p> <p>9 Loftus ever threaten you?</p> <p>10 A. No.</p> <p>11 Q. The members of the Civil Service Commission,</p> <p>12 did you know who they were before the exam was</p> <p>13 administered?</p> <p>14 A. Yes. I don't know. I only know one person on</p> <p>15 the board.</p> <p>16 Q. Who is that?</p> <p>17 A. Mr. Barrett.</p> <p>18 Q. How do you know him?</p> <p>19 A. He was my school teacher.</p> <p>20 Q. Did you ever have any -- did you ever have any</p> <p>21 conversations with Mr. Barrett about the civil service</p> <p>22 exam?</p> <p>23 A. No.</p> <p>24 Q. And you never -- you don't know who the other</p> <p>25 two members are. Is that correct?</p>
<p style="text-align: right;">31</p> <p>1 Q. And did all the active reserve officers show up</p> <p>2 for the test?</p> <p>3 A. I believe so, yes.</p> <p>4 Q. Other than the one conversation with Councilman</p> <p>5 Hennigan, did you have any other conversations with any</p> <p>6 other Borough Council members before you took the civil</p> <p>7 service exam?</p> <p>8 A. Not that I recall.</p> <p>9 Q. Did you ever talk to Mr. Loftus, the borough</p> <p>10 manager, before you took the civil service exam?</p> <p>11 A. About --</p> <p>12 Q. About the test.</p> <p>13 A. I might have briefly.</p> <p>14 Q. Do you remember what that conversation was</p> <p>15 about?</p> <p>16 A. Just I think it was when the contract came back</p> <p>17 or something or there might have been a test involved</p> <p>18 with it or something.</p> <p>19 Q. What does that mean, when the contract came</p> <p>20 back?</p> <p>21 A. When the contract came back that he thinks that</p> <p>22 we would have to take a civil service test to get our</p> <p>23 jobs, our full-time jobs.</p> <p>24 Q. You mean when the arbitration award came out?</p> <p>25 A. Yeah.</p>	<p style="text-align: right;">33</p> <p>1 A. I may know Gallagher if I see him, but I'm not</p> <p>2 -- Marino, I don't know.</p> <p>3 Q. Did you ever have any conversations with Mr.</p> <p>4 Gallagher about the civil service test?</p> <p>5 A. No.</p> <p>6 Q. Did you ever have any conversations with Mr.</p> <p>7 Marino about the civil service test?</p> <p>8 A. Hum-um.</p> <p>9 Q. That's a no?</p> <p>10 A. No.</p> <p>11 Q. The Civil Service Commission solicitor, Frank</p> <p>12 O'Neill, do you know him?</p> <p>13 A. No.</p> <p>14 Q. Ever have any conversations with him before the</p> <p>15 civil service test?</p> <p>16 A. Not that I'm aware of, no.</p> <p>17 Q. Councilman Joseph Talutto, did you ever have</p> <p>18 any conversations with him about the civil service</p> <p>19 test?</p> <p>20 A. Before or after?</p> <p>21 Q. Before.</p> <p>22 A. No.</p> <p>23 Q. Leonard Verrastro, V-E-R-R-A-S-T-R-O, did you</p> <p>24 ever have any conversation with Councilman Verrastro</p> <p>25 before the civil service test?</p>

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<p style="text-align: right;">42</p> <p>1 to make anybody really fail. And he said but, however, 2 if you get more than I think it was 22 or 23 answers 3 wrong, he said, you will fail the test. And that's it. 4 We just took it from there. 5 Q. Did they hand anything out to you other than 6 the test? 7 A. Yes. A piece of paper. 8 Q. What was on the piece of paper? 9 A. Just 70 percent was passing for the written 10 section, I think, and 30 percent was for the oral 11 interviews. It was like a basic piece of paper. 12 Q. Did that piece of paper say anything else, to 13 your knowledge? 14 A. It did, but I can't recall exactly what it 15 said. 16 Q. Was there anything on that piece of paper that 17 explained that you had to get a 70 percent in each of 18 the sections? 19 A. No. 20 Q. The test itself, were there any instructions on 21 the test about what a passing grade would be? 22 A. No. 23 Q. How long did you have to take the test? 24 A. I think it was a 75 minute test, but I'm not 25 sure.</p>	<p style="text-align: right;">44</p> <p>1 Q. The other members of the police department who 2 complained about the test, were they retaliated 3 against? 4 A. No. 5 Q. Do you know why? 6 A. What do you mean now? 7 Q. Well, you said that you weren't the only one 8 that complained that the test was unfair, correct? 9 A. Well, mostly all the guys complained. 10 Q. Right. But only three failed the test, right? 11 MS. POLLICK: Objection. 12 Mischaracterization of testimony. Assumes facts not 13 into evidence. 14 A. We didn't fail. 15 Q. According to the borough only three failed the 16 test. 17 A. According to the borough. 18 Q. Correct? 19 A. Correct. 20 Q. But everybody complained that it was unfair? 21 MS. POLLICK: Objection. Lack of 22 personal knowledge. 23 A. Basically everybody that I know. 24 Q. So my question is how come the borough didn't 25 fail everybody else but only failed you three?</p>
<p style="text-align: right;">43</p> <p>1 Q. Was there any more discussion before the test 2 was taken other than what you've already testified to, 3 either from the chief of Bloomsburg or from Mr. 4 O'Neill? 5 A. No. 6 Q. Did Mr. O'Neill stay in the room for the 7 duration of the test? 8 A. I believe he did. I'm not sure though. He sat 9 behind me. 10 Q. Say that again. 11 A. He sat behind me, so -- 12 Q. How about the chief from Bloomsburg, was he 13 there for the duration of the test? 14 A. Yes, he was. 15 Q. When the test was finished, what happened? 16 A. They just collected them. 17 Q. Other than failing the test, do you believe 18 there's anything else that the borough did to retaliate 19 against you for complaining about having to take the 20 test? 21 A. I didn't fail the test. 22 Q. Anything else that anybody from the borough did 23 to retaliate against you other than what you've already 24 testified? 25 A. No.</p>	<p style="text-align: right;">45</p> <p>1 A. I don't know. 2 Q. Following the test, when did you get your 3 results? 4 A. I know it was -- I think it was like ten days 5 after everybody else was notified. They had an old 6 address. They mailed it to an old address. 7 Q. You have no reason to believe that that was 8 done intentionally so that you wouldn't get your score, 9 do you? 10 A. No. 11 Q. You got your score in the mail? 12 A. Correct. 13 Q. Was that a letter that you received from Mr. 14 O'Neill? 15 A. Um-hum. 16 Q. That's a yes? 17 A. Correct. 18 Q. What did you do when you got the letter? 19 A. Read it, couldn't believe it. 20 Q. What did you do then after that? 21 A. I was just in shock that they did stuff like 22 that. 23 Q. Did you call anybody in the DPA? 24 A. I might have and I'm not sure if I did or not. 25 I can't say for sure.</p>

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<p style="text-align: right;">62</p> <p>1 borough manager, about the test?</p> <p>2 A. No.</p> <p>3 Q. Do you know whether Officer Cali spoke to any</p> <p>4 Borough Council members after the test?</p> <p>5 MS. POLLICK: Objection. Lack of</p> <p>6 personal knowledge.</p> <p>7 A. I don't know.</p> <p>8 Q. Do you know whether Officer Cali spoke to Mr.</p> <p>9 Loftus after the test?</p> <p>10 A. I don't know.</p> <p>11 MS. POLLICK: Objection. Lack of</p> <p>12 personal knowledge.</p> <p>13 Q. Do you know whether Officer Cali spoke to any</p> <p>14 member on the Civil Service Commission after the test?</p> <p>15 MS. POLLICK: Same objection.</p> <p>16 A. I don't know exactly who he talked to.</p> <p>17 Q. Before you took the civil service test, what</p> <p>18 rank did you hold with the police department?</p> <p>19 A. Patrolman.</p> <p>20 Q. And within the DPA, under the collective</p> <p>21 bargaining agreement, what was your position?</p> <p>22 A. Patrolman.</p> <p>23 Q. Were you a full-time officer or reserve</p> <p>24 officer?</p> <p>25 A. I was full-time, but they called us reserve</p>	<p style="text-align: right;">64</p> <p>1 Q. -- working a schedule?</p> <p>2 A. Yes.</p> <p>3 Q. After the test, the hours that you worked, were</p> <p>4 they altered in any way?</p> <p>5 A. Not right after the test. Maybe a month, six</p> <p>6 weeks after.</p> <p>7 Q. And how were your hours altered?</p> <p>8 A. I was put on midnights.</p> <p>9 Q. How are shifts -- how are people assigned to a</p> <p>10 shift?</p> <p>11 A. We bid by seniority.</p> <p>12 Q. And how was it that you went to midnights?</p> <p>13 A. Because I lost my seniority.</p> <p>14 Q. Under the collective bargaining agreement, it's</p> <p>15 my understanding that full-time officers have seniority</p> <p>16 over active reserve officers. Is that correct?</p> <p>17 A. Correct.</p> <p>18 Q. And then within the classification of active</p> <p>19 reserve officers, you can have seniority over other</p> <p>20 active reserve officers. Is that correct?</p> <p>21 A. Correct.</p> <p>22 Q. So as a result of remaining as an active</p> <p>23 reserve officer and the other officers passing the test</p> <p>24 and being promoted to full-time officer, the seniority,</p> <p>25 they had higher seniority than you, correct?</p>
<p style="text-align: right;">63</p> <p>1 officers.</p> <p>2 Q. So before you took the test you held the rank</p> <p>3 of patrolman, correct?</p> <p>4 A. Correct.</p> <p>5 Q. And you were an active reserve officer,</p> <p>6 correct?</p> <p>7 A. Correct.</p> <p>8 Q. After you took the test, what rank did you</p> <p>9 hold?</p> <p>10 A. Patrolman.</p> <p>11 Q. And were you an active reserve officer after</p> <p>12 you took the test?</p> <p>13 A. Yes.</p> <p>14 Q. Now, are you currently on any type of</p> <p>15 disability, heart and lung compensation?</p> <p>16 A. Yeah.</p> <p>17 Q. What are you on now?</p> <p>18 A. Heart and lung.</p> <p>19 Q. When did that start?</p> <p>20 A. The 17th of November.</p> <p>21 Q. Of '05?</p> <p>22 A. Yes.</p> <p>23 Q. So when you took the test, you were on patrol,</p> <p>24 you were --</p> <p>25 A. Correct.</p>	<p style="text-align: right;">65</p> <p>1 A. Um-hum.</p> <p>2 Q. That's a yes?</p> <p>3 A. Correct.</p> <p>4 Q. Other than having your shift change, did your</p> <p>5 hours decrease, increase or did they stay the same?</p> <p>6 A. Stayed the same.</p> <p>7 Q. Do you have rotating shifts?</p> <p>8 A. No. We bid shifts Monday day, like day shift 3</p> <p>9 to 11 and midnights are steady. They're steady shifts.</p> <p>10 Q. When you bid for a shift, how long is that bid</p> <p>11 good for?</p> <p>12 A. One year.</p> <p>13 Q. So you're working the midnights -- so you would</p> <p>14 work the midnight shift for that entire year, correct?</p> <p>15 A. For one year, yes.</p> <p>16 Q. [REDACTED]</p> <p>17 A. [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 Q. [REDACTED]</p>

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<p style="text-align: right;">66</p> <p>1 [REDACTED]</p> <p>2 A. [REDACTED]</p> <p>3 Q. [REDACTED]</p> <p>4 A. [REDACTED]</p> <p>5 Q. [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 A. [REDACTED]</p> <p>8 Q. And when you resume active duty, you'll go back</p> <p>9 to the midnight shift. Is that the way it works?</p> <p>10 A. I believe I'm on day shift now.</p> <p>11 Q. You can't ask him. That's your understanding,</p> <p>12 is that you've been switched to day shift?</p> <p>13 A. Yeah.</p> <p>14 Q. Did you file any grievance about the scoring</p> <p>15 with the borough?</p> <p>16 A. Not with the borough, with the union.</p> <p>17 Q. Did you file any type of official complaint,</p> <p>18 grievance, appeal, however you want to term it, with</p> <p>19 the borough about the way the scoring was done?</p> <p>20 A. No.</p> <p>21 MS. POLLICK: Objection. Assumes facts</p> <p>22 not into evidence.</p> <p>23 Q. Now, you said you filed a grievance with the</p> <p>24 union. When did that take place?</p> <p>25 A. I think it was June.</p>	<p style="text-align: right;">68</p> <p>1 out what happened with the grievance?</p> <p>2 A. I just kept asking him exactly what was going</p> <p>3 on with it.</p> <p>4 Q. And what's your understanding of what happened</p> <p>5 to the grievance?</p> <p>6 A. I don't think anything happened with the</p> <p>7 grievance.</p> <p>8 Q. When was the last time you spoke to any</p> <p>9 leadership in the union about your grievance?</p> <p>10 A. This --</p> <p>11 Q. The grievance about the test.</p> <p>12 A. In June. Not in awhile.</p> <p>13 Q. Is there another grievance?</p> <p>14 A. There was another grievance filed.</p> <p>15 Q. By who?</p> <p>16 A. By myself and Anthony.</p> <p>17 Q. When did you file that one?</p> <p>18 A. When we had our seniority taken off us.</p> <p>19 Q. And who did you file that grievance with?</p> <p>20 A. With the union.</p> <p>21 Q. Do you know what happened to that grievance?</p> <p>22 A. The last time we had a grievance committee and</p> <p>23 it was denied after a couple weeks after we sat for the</p> <p>24 grievance committee.</p> <p>25 Q. When were you notified that it was denied? Do</p>
<p style="text-align: right;">67</p> <p>1 Q. June of '05?</p> <p>2 A. Yes.</p> <p>3 Q. Shortly after the test results came out?</p> <p>4 A. Yes.</p> <p>5 Q. How did you file the grievance? What did you</p> <p>6 physically have to do?</p> <p>7 A. Anthony Cali wrote the grievance up and we</p> <p>8 just, Patrolman Sibio and I read it and we just -- he</p> <p>9 filed it and I think the president of the union.</p> <p>10 Q. Do you know what happened to the grievance?</p> <p>11 A. No.</p> <p>12 Q. Did you ever follow up with the president of</p> <p>13 the union to find out what happened?</p> <p>14 A. Yeah. I asked him what was going on with it.</p> <p>15 Q. When?</p> <p>16 A. I couldn't tell you right offhand exactly when.</p> <p>17 Q. Was it within a couple of months?</p> <p>18 A. Yeah, maybe a couple months, a month.</p> <p>19 Q. Who did you talk to?</p> <p>20 A. Rich Barth.</p> <p>21 Q. What did he tell you?</p> <p>22 A. He said he didn't know, that I guess they were</p> <p>23 in the process of talking to Attorney Jennings and</p> <p>24 trying to get something figured out.</p> <p>25 Q. Did you follow up with Barth after that to find</p>	<p style="text-align: right;">69</p> <p>1 you remember what month?</p> <p>2 A. No, not really. It might have been a month</p> <p>3 after the meeting, but I'm not quite sure.</p> <p>4 Q. While you worked for the borough of Dunmore,</p> <p>5 did you ever work for any other police department?</p> <p>6 A. No.</p> <p>7 Q. Did you ever look for a job at any other police</p> <p>8 department?</p> <p>9 A. No.</p> <p>10 Q. Did you look for a job at another police</p> <p>11 department before you started at Dunmore?</p> <p>12 A. No.</p> <p>13 Q. Where did you grow up?</p> <p>14 A. Dunmore.</p> <p>15 Q. During the tenure of your employment with the</p> <p>16 borough, have you ever been disciplined for any reason?</p> <p>17 A. With the borough?</p> <p>18 Q. With the borough.</p> <p>19 A. No.</p> <p>20 Q. During your tenure with the borough, have you</p> <p>21 always remained certified as a police officer?</p> <p>22 A. Yes.</p> <p>23 Q. Have you ever been arrested?</p> <p>24 A. No.</p> <p>25 Q. Did you work anywhere else after you graduated</p>

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<p style="text-align: right;">78</p> <p>1 Q. Good morning, officer. I don't know if we ever 2 met before, but my name is Steve Holroyd. I represent 3 Dunmore Police Association in this matter. And I have 4 a few questions for you. I don't expect to take as 5 long as Mr. Gonzales did. 6 I would ask that the same instructions 7 he gave you, that you just keep them in mind when I'm 8 asking you questions. 9 For starters, you are employed by the 10 borough of Dunmore Police Department? 11 A. Correct. 12 Q. You're not employed by the Dunmore Police 13 Association? 14 A. Correct. 15 Q. The Dunmore Police Association, that's your 16 union? 17 A. Correct. 18 Q. How long have you been in the union? 19 A. I would say it has to be at least ten years 20 now. I don't know exactly. I think it was 1996 we got 21 put in the union. I'm not sure. 22 Q. Have you ever held union office? 23 A. No. 24 Q. Have you ever run for union office? 25 A. No.</p>	<p style="text-align: right;">80</p> <p>1 Q. Any other grievances? 2 A. Just that's it. No. 3 Q. Now, the arbitration award came out in February 4 of 2005, correct? 5 A. Correct. 6 Q. Prior to that award coming out, do you recall 7 whether there were union meetings discussing the 8 possibility of settling the contract prior to the award 9 coming out? 10 A. Yes, there was. 11 Q. Did you attend those meetings? 12 A. Yes. 13 Q. Approximately how many meetings were there? 14 A. I couldn't say offhand. 15 Q. At those meetings, was the possibility of a 16 civil service test addressed? 17 A. Yeah. They said if we went to arbitration 18 there would be a good chance that we'd possibly be 19 taking a civil service test. 20 Q. During those meetings, was any union member in 21 particular advocating settling the contract prior to an 22 award coming out? 23 MS. POLLICK: Objection. Calls for 24 speculation. 25 A. Patrolman Springer was vocal on settling it.</p>
<p style="text-align: right;">79</p> <p>1 Q. Did you ever campaign for or against anyone in 2 a union election? 3 A. Not openly, no. 4 Q. Other than the grievance regarding the test and 5 I think the grievance you told us about your seniority, 6 have you ever filed any other grievances with the 7 union? 8 A. Just one grievance that there wasn't enough 9 information on it and they sent it back and they said I 10 had to do it over. 11 Q. And what grievance was that? 12 A. I had to put more information on it. It was 13 the one about seniority. 14 Q. When was that filed with the union? 15 A. I believe it was August, I'm not sure though. 16 Q. 2005? 17 A. Yeah. 18 Q. And the union's response was they needed more 19 information? 20 A. To make it more factual, I believe they used 21 the term. 22 Q. Did you do that? 23 A. Yes. 24 Q. And did you refile the grievance? 25 A. Yes.</p>	<p style="text-align: right;">81</p> <p>1 Q. When Patrolman Springer was being vocal about 2 settling, did he address the test at all? 3 A. That there would be a possibility if we went to 4 arbitration that they would give us a test. 5 Q. Was Patrolman Springer concerned about the 6 test? 7 A. Yes, I believe he was. 8 Q. Did he indicate whether or not he wanted to 9 take a test? 10 A. I don't remember, but I don't think he would 11 take the test -- I think he might have said he didn't 12 want to take a test. 13 Q. Now, while Patrolman Springer was talking about 14 the possibility of settling, were there any police 15 officers who were adamant against settling and wanting 16 to get an award? 17 A. The majority of them were. 18 Q. And was Officer Cali in that majority? 19 A. Yes. 20 Q. Now, after the decision came out, how long 21 after the decision came out was the test scheduled? 22 A. The award came back I guess sometime in 23 February and I think the test was scheduled for the 24 22nd of May. 25 Q. And I guess the better question would have been</p>

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<p style="text-align: right;">82</p> <p>1 when were police officers advised that the test was 2 scheduled for May? 3 A. Maybe six weeks after the award came back. I'm 4 not sure exactly. 5 Q. After the award came out, was there a union 6 meeting to discuss whether to appeal the award? 7 A. I believe there was, yes. 8 Q. Did you attend that meeting? 9 A. I think I did, yes. 10 Q. And at that meeting, did the union membership 11 vote not to appeal the award? 12 A. Correct. 13 Q. Do you recall what the vote was? 14 A. No. 15 Q. After the test was scheduled, did some officers 16 continue to express concerns about their ability to 17 take the test? 18 A. Yes. 19 Q. Which officers had expressed concerns about 20 their ability to take the test? 21 A. Quite a few of them expressed themselves. 22 Q. Can you remember who? 23 A. Myself, Anthony, I know Rich Barth was 24 concerned, you know. The majority of the guys were 25 concerned.</p>	<p style="text-align: right;">84</p> <p>1 Q. Now, did he offer to continue to prep you? 2 A. Yes. 3 Q. But you didn't take him up on that offer? 4 A. We just never could get together. 5 Q. Were also prep sessions being done through your 6 lunch break on your regular shifts, during police 7 officers' lunch breaks? 8 MS. POLLICK: Objection. 9 Q. Let me rephrase that. Do you know whether 10 there were also prep sessions being done during the 11 lunch shifts, lunch breaks? 12 MS. POLLICK: Objection. Calls for 13 speculation. 14 A. I don't know. 15 Q. In your complaint, officer, you make a number 16 of allegations that I wanted to explore with you. At 17 paragraph 18 -- 18 MS. POLLICK: I'm just going to object 19 to the fact that you're not giving him a copy of the 20 complaint and you're referring to a paragraph. 21 MR. HOLROYD: Let's go off the record. 22 (Discussion off the record.) 23 BY MR. HOLROYD: 24 Q. Officer, you've been handed what's been marked 25 as Garzella Exhibit 3. Let me direct your attention to</p>
<p style="text-align: right;">83</p> <p>1 Q. Was there an Officer Reynolds? 2 A. Reynolds. 3 Q. Now, did any officers offer to tutor other 4 officers in preparing for this test? 5 A. Yes. 6 Q. And which officers offered to do that? 7 A. Officer Springer. 8 Q. And at this time was there something called a 9 police update class going on? 10 A. Yes. 11 Q. And what is that exactly? 12 A. You go for your updates, your mandatory updates 13 that are required by the state. 14 Q. And at the time were you participating in the 15 updates? 16 A. Yes. 17 Q. Was Patrolman Springer offering to prep people 18 after these updates were done? 19 A. Um-hum. 20 Q. And did he prep Officer Reynolds? 21 A. Yes. 22 Q. And did he prep you? 23 A. Yes. 24 Q. How many times did he prep with you? 25 A. I did it once, that one time.</p>	<p style="text-align: right;">85</p> <p>1 page 5 of that complaint. Let me direct your attention 2 to paragraph 18. There you allege defendants in 3 recognition of your years of service failed to promote 4 slash in effect demoted you in or around June 2005. 5 Which defendants were you referring to? 6 A. I believe the borough. 7 Q. The borough. It's not your contention that the 8 Dunmore Police Association failed to promote you or in 9 effect demoted you? 10 A. Right. 11 Q. Similarly, at paragraph 19, where you allege 12 you received a passing score but defendants had failed 13 to promote you, which defendants are you referring to 14 there? 15 A. The borough. 16 Q. You're not alleging that the Dunmore Police 17 Association failed to promote you? 18 A. Correct. 19 Q. Similarly at paragraph 20, where again you 20 allege defendants demoted you, that's referring to the 21 borough? 22 A. Correct. 23 Q. You're not referring to the DPA's having 24 demoted you. Is that correct? 25 A. Correct.</p>

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<p style="text-align: right;">86</p> <p>1 Q. Paragraph 22 where you allege defendants never 2 gave Officer Garzella oral or written notice of the 3 charges against him or opportunity to respond to the 4 charges, you're referring to the borough? 5 A. Correct. 6 Q. You're not alleging that the Dunmore Police 7 Association never gave you written notice of charges 8 against you? 9 A. Correct. 10 Q. Paragraph 23, which is the next page, you 11 allege defendants never provided Officer Garzella with 12 a pre-failure to promote/demotion hearing or any 13 post-failure to promote/demotion hearing as required by 14 law. Again, the defendants you're referring to there 15 is the borough? 16 A. Correct. 17 Q. You're not alleging that the Dunmore Police 18 Association failed to provide you with any hearing? 19 MS. POLLICK: Objection. Assumes facts 20 not into evidence. 21 A. Correct. 22 Q. And finally, at paragraph 24, where you allege 23 defendants had intentionally failed to provide Officer 24 Garzella with any hearing on those charges, the 25 defendants you're referring to there is the borough of</p>	<p style="text-align: right;">88</p> <p>1 June of 2005? 2 A. I believe so, yes. 3 Q. Now, prior, if I understood you correctly, 4 Anthony Cali filed that grievance on your behalf and 5 his and Jody's behalf? 6 A. Correct. 7 Q. Prior to his filing that grievance was there a 8 union meeting where the issue of the scoring of the 9 test was discussed? 10 A. I believe there was, yes. 11 Q. And during that meeting was a vote taken 12 regarding whether or not to proceed with that 13 grievance? 14 A. Yes, there was. 15 Q. And the vote -- 16 A. Go ahead. 17 Q. I'm sorry. And the vote was the membership 18 voted not to proceed with the grievance. Is that 19 correct? 20 A. Correct. 21 Q. And the vote was 18 to 3? 22 A. Correct. 23 Q. And the three votes to proceed with the 24 grievance were your vote, Officer Cali's vote and 25 Officer Sibio's vote?</p>
<p style="text-align: right;">87</p> <p>1 Dunmore? 2 A. (Witness nods head) 3 Q. You're not alleging that the Dunmore Police 4 Association failed to provide you with any hearing or 5 notice of charges? 6 MS. POLLICK: Objection. Assumes facts 7 not in evidence. 8 A. No. 9 Q. No, it's not correct, or no, you're not 10 alleging the DPA has failed to provide you with a 11 hearing? 12 A. Not alleging. 13 Q. At paragraph 27, you allege that the defendant 14 Dunmore Police Association has discriminatorily, 15 arbitrarily and in bad faith refused to represent you 16 in connection with your grievances. What evidence do 17 you have to support that contention? 18 A. Just the grievance that we filed. 19 Q. And which grievance would that be? 20 A. The first one. 21 Q. That's the grievance involving the test? 22 A. Or the scoring. 23 Q. The scoring of the test? 24 A. Um-hum. 25 Q. This is a grievance that was filed in about</p>	<p style="text-align: right;">89</p> <p>1 A. Correct. 2 Q. But after that meeting Officer Cali filed his 3 grievance anyway? 4 A. He filed it over the scoring of the test. 5 Q. But was that the same issue that was decided by 6 the membership prior to his filing the grievance? 7 A. No. The first grievance was over the whole 8 test itself. 9 Q. So the second grievance was over the scoring of 10 the test? 11 MS. POLLICK: Objection. Assumes facts 12 not into evidence and confusing. 13 A. Correct. 14 Q. So what was discriminatory, arbitrary or in bad 15 faith involving as far as the DPA's processing of that 16 grievance? 17 MS. POLLICK: Objection. Vague 18 question. 19 A. Which one now? 20 Q. The grievance about the scoring of the test. 21 A. Because they didn't do anything with us. It's 22 so obvious what occurred. 23 Q. Did anyone from the union ever advise you why 24 they were not proceeding with that grievance? 25 A. Yes.</p>

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<p style="text-align: right;">90</p> <p>1 Q. Who?</p> <p>2 A. We had a phone conversation with Tom Jennings.</p> <p>3 Q. Who was present on that phone conversation?</p> <p>4 A. Billy Springer, myself, Anthony Cali and that's</p> <p>5 it, I think, just the four of us.</p> <p>6 Q. What was discussed during that call?</p> <p>7 A. I don't know if the grievance was -- that</p> <p>8 grievance was discussed, but Attorney Jennings told us,</p> <p>9 he said that we didn't pass the elements and we failed</p> <p>10 the test. Basically just we failed the test and there</p> <p>11 was nothing that he can do. And that the best thing</p> <p>12 that we could do is probably just negotiate a test for</p> <p>13 ourselves to take.</p> <p>14 Q. A second test?</p> <p>15 MS. POLLICK: Objection. Assumes facts</p> <p>16 not into evidence.</p> <p>17 A. To take a second test.</p> <p>18 Q. Any other conversations with union officials</p> <p>19 regarding that grievance?</p> <p>20 A. None that I know of, no.</p> <p>21 Q. Did anyone from the union ever tell you that</p> <p>22 they were refusing to process this grievance because of</p> <p>23 anything you had done?</p> <p>24 A. No, nobody told me.</p> <p>25 Q. Do you have any other evidence to support your</p>	<p style="text-align: right;">92</p> <p>1 Q. And so this was the seniority list that had</p> <p>2 full-time police officers ranked ahead of reserve</p> <p>3 police officers?</p> <p>4 A. Correct.</p> <p>5 Q. Do you have any other evidence supporting the</p> <p>6 allegation that the DPA harassed and publicly</p> <p>7 humiliated you?</p> <p>8 A. Yeah, because just out in public, I mean people</p> <p>9 would say to me, you know, you failed the test. And</p> <p>10 the rumor going around was that I failed the test and I</p> <p>11 actually passed the test. So it was kind of hard to --</p> <p>12 I mean if they did what they were supposed to do and</p> <p>13 they looked at all the facts, they'd see that I</p> <p>14 actually passed the test.</p> <p>15 Q. When you say people, what people come up to</p> <p>16 you?</p> <p>17 A. Just people in general, like.</p> <p>18 Q. Such as who, other police officers?</p> <p>19 A. No, like people if I walk into a store or</p> <p>20 something, people in there, I had it at least two or</p> <p>21 three times.</p> <p>22 Q. Can you recall those two or three times for me?</p> <p>23 A. Once at the smoke shop, the kid behind the</p> <p>24 counter asked me if I -- something about a test, he</p> <p>25 said you have to take a civil service test and you</p>
<p style="text-align: right;">91</p> <p>1 contention that the failure to process this grievance</p> <p>2 was discriminatory, arbitrary or in bad faith?</p> <p>3 MS. POLLICK: Objection. Calls for a</p> <p>4 legal conclusion.</p> <p>5 A. No, not here with me now.</p> <p>6 Q. At paragraph 28 you allege that the DPA allowed</p> <p>7 you to be harassed, publicly humiliated and demoted.</p> <p>8 What evidence do you have to support that allegation?</p> <p>9 A. They're the ones that demoted me. I mean they</p> <p>10 took my seniority off me originally.</p> <p>11 Q. The DPA?</p> <p>12 A. Yes.</p> <p>13 Q. I'm sorry. The DPA took your seniority off</p> <p>14 you?</p> <p>15 A. Yes.</p> <p>16 Q. And how did they do that?</p> <p>17 A. They wrote a letter saying that we're going to</p> <p>18 lose our seniority and they said they made up the new</p> <p>19 seniority list and they sent it over to the borough,</p> <p>20 that it was going to be done. I guess they gave them a</p> <p>21 certain amount of time to contest it and it wasn't</p> <p>22 contested and I lost my seniority.</p> <p>23 Q. This was the seniority list that was prepared</p> <p>24 after the test results had come in?</p> <p>25 A. Right.</p>	<p style="text-align: right;">93</p> <p>1 failed it and this and that, just going on and on. I</p> <p>2 was like I didn't fail the test, you know. I passed</p> <p>3 the test.</p> <p>4 Q. Do you remember the kid's name?</p> <p>5 A. I know his first name is -- I think it's Craig.</p> <p>6 I wouldn't be able to tell you what his last name is.</p> <p>7 Q. And approximately when did that conversation</p> <p>8 take place?</p> <p>9 A. This was a few months ago. This is back</p> <p>10 towards probably December.</p> <p>11 Q. What other occasions can you recall?</p> <p>12 A. The owner of Sal's restaurant, Sal Ganari, had</p> <p>13 mentioned it to me. He said that -- he said he was</p> <p>14 happy that some guys failed the test that he didn't</p> <p>15 like, but he said he felt bad for me because he said</p> <p>16 that I failed the test. So I mean that was -- I had</p> <p>17 explained to him that I didn't fail the test, I</p> <p>18 actually passed the test.</p> <p>19 And once at a party, I went to another</p> <p>20 guy, same conversation over I think it was right around</p> <p>21 the time when the lawsuit was filed. And he was</p> <p>22 saying, you know, about me failing the test. And I</p> <p>23 just felt like a jerk, you know what I mean, because I</p> <p>24 actually didn't fail the test, I passed the test.</p> <p>25 Q. Who was it that third time, do you remember</p>

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<p style="text-align: right;">94</p> <p>1 that person's name?</p> <p>2 A. His last name is Bistran and there's quite a</p> <p>3 bit of family and I'd be able to find out his first</p> <p>4 name when I saw him. But his last name is Bistran.</p> <p>5 Q. Any other evidence to support your allegation</p> <p>6 that the DPA allowed you to be harassed and publicly</p> <p>7 humiliated?</p> <p>8 A. No.</p> <p>9 Q. Paragraph 31, you allege that the borough of</p> <p>10 Dunmore and union representative Rich Barth and union</p> <p>11 representative William Springer were conspiring to</p> <p>12 deprive you of your constitutional rights. What</p> <p>13 evidence do you have to support your contention that</p> <p>14 there was a conspiracy to deprive you of your rights?</p> <p>15 MS. POLLICK: Objection. Calls for a</p> <p>16 legal conclusion.</p> <p>17 A. The evidence would be just me being in the</p> <p>18 situation that I'm in after I pass the test the way I</p> <p>19 was supposed to pass it, and then everything else just</p> <p>20 passed me out.</p> <p>21 Q. Do you have any evidence that the DPA -- let me</p> <p>22 withdraw that and ask this.</p> <p>23 Who administered the civil service test?</p> <p>24 A. Civil Service Commission.</p> <p>25 Q. Did the DPA have any involvement with the</p>	<p style="text-align: right;">96</p> <p>1 reading it. That if anybody was caught talking to</p> <p>2 anybody they would take disciplinary action against us,</p> <p>3 the union members.</p> <p>4 Q. This is the union posted it?</p> <p>5 A. Yes.</p> <p>6 Q. It was on the union's board?</p> <p>7 A. Yes.</p> <p>8 Q. Did you read that notice?</p> <p>9 A. Yes.</p> <p>10 Q. Did you know to what it was referring?</p> <p>11 A. I believe it was referring to myself and</p> <p>12 Anthony Cali going and talking to Hennigan.</p> <p>13 Q. And I think you told us at the time of that</p> <p>14 meeting you were not on the negotiating committee?</p> <p>15 A. No, I was not.</p> <p>16 Q. After the award had come out in February, did</p> <p>17 the negotiating committee continue to exist?</p> <p>18 MS. POLLICK: Objection. Calls for</p> <p>19 speculation, lack of personal knowledge.</p> <p>20 A. I don't know. I believe it did. I don't know.</p> <p>21 Q. What else did the DPA do to publicly criticize</p> <p>22 or admonish you regarding discussing the civil service</p> <p>23 test?</p> <p>24 A. Nothing. That's it.</p> <p>25 Q. That's it. In paragraph 40 you allege that the</p>
<p style="text-align: right;">95</p> <p>1 administering of that test?</p> <p>2 A. No.</p> <p>3 MS. POLLICK: Objection. Calls for</p> <p>4 speculation.</p> <p>5 Q. Do you know whether the DPA had any hand in</p> <p>6 scoring the test?</p> <p>7 MS. POLLICK: Objection. Calls for</p> <p>8 speculation.</p> <p>9 A. No.</p> <p>10 Q. No, you don't know, or no, they didn't?</p> <p>11 A. Did not.</p> <p>12 Q. Do you know whether any representatives of the</p> <p>13 DPA ever met with a member of Borough Council to</p> <p>14 discuss the civil service test?</p> <p>15 A. I don't know of any.</p> <p>16 MS. POLLICK: Objection. Calls for</p> <p>17 speculation.</p> <p>18 A. I don't know of any.</p> <p>19 Q. At paragraph 39 of your complaint, page 9, you</p> <p>20 allege that the DPA has publicly criticized and</p> <p>21 admonished its members from discussing the civil</p> <p>22 service test requirement with agents and employees of</p> <p>23 the borough of Dunmore. What evidence do you have to</p> <p>24 support that section?</p> <p>25 A. They stuck a thing up on the board. I remember</p>	<p style="text-align: right;">97</p> <p>1 DPA has given false information about the scoring of</p> <p>2 the civil service test. What evidence do you have in</p> <p>3 support of that?</p> <p>4 A. A letter that stated that all we needed was I</p> <p>5 believe how many questions were going to be on the test</p> <p>6 and that 70 was the passing score of the test.</p> <p>7 Q. Is this a letter that the DPA put out?</p> <p>8 A. Yes.</p> <p>9 Q. And do you know from where the DPA got the</p> <p>10 information regarding that?</p> <p>11 A. From the Civil Service Commission.</p> <p>12 MS. POLLICK: Objection. Calls for</p> <p>13 speculation.</p> <p>14 Q. The May meeting that you and Officer Cali had</p> <p>15 with Hennigan, you testified that it was initially</p> <p>16 supposed to be Officers Cali and Bonavoglia going to a</p> <p>17 meeting?</p> <p>18 A. Bonavoglia, yeah.</p> <p>19 Q. Officer Bonavoglia was president of the DPA</p> <p>20 prior to Officer Barth becoming president?</p> <p>21 A. Correct.</p> <p>22 Q. And Officer Cali was secretary-treasurer of the</p> <p>23 DPA prior to Officer Springer?</p> <p>24 A. Correct.</p> <p>25 Q. You were telling us in preparation for the test</p>